

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KONSTANTIN DOBRYAKOV,

Docket No.: 08 CV 4488 (CLB)

Plaintiff,

-against-

ANSWER

THE VILLAGE OF SPRING VALLEY POLICE
DEPARTMENT, THE VILLAGE OF SPRING
VALLEY, THE COUNTY OF ROCKLAND, THE
ROCKLAND COUNTY DISTRICT ATTORNEY'S
OFFICE, THE ROCKLAND COUNTY NARCOTIC
TASK FORCE, and "JOHN DOE", a fictitious name
intended to represent those police officers who were
involved in the arrest and detainment of the Plaintiff,

Defendants.

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Defendants, THE VILLAGE OF SPRING VALLEY POLICE DEPARTMENT, and THE
VILLAGE OF SPRING VALLEY, by their attorneys, MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP, hereby answer plaintiff's Complaint upon information and belief, as
follows:

1. Deny the allegations contained in paragraph "1" of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph "2" of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph "3" of the complaint.
4. Admit the allegations contained in paragraph "4" of the complaint.
5. Deny knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph "5" of the complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “6” of the complaint.
7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the complaint.
8. Deny the allegations contained in paragraph “8” of plaintiff’s complaint.
9. Deny the allegations contained in paragraph “9” of the complaint.
10. Deny the allegations contained in paragraph “10” of the complaint, and respectfully refer all questions of law to the Court for adjudication.
11. Deny the allegations contained in paragraph “11” of the complaint.
12. Deny the allegations contained in paragraph “12” of the complaint.
13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the complaint.
14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the complaint.
15. Deny the allegations contained in paragraph “15” of the complaint.
16. Deny the allegations contained in paragraph “16” of the complaint.
17. Deny the allegations contained in paragraph “17” of the complaint.
18. Deny the allegations contained in paragraph “18” of the complaint.
19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “19” of the complaint.
20. Deny the allegations contained in paragraph “20” of the complaint, and respectfully refer all questions of law to the Court for adjudication.

ANSWERING THE FIRST CAUSE OF ACTION

21. As and for a response to paragraph “21” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs numbered “1” through “20” of this answer with the same force and effect as if fully set forth at length herein.

22. Deny the allegations contained in paragraphs “22(a)” through “22(f)” of the complaint.

23. Deny the allegations contained in paragraph “23” of the complaint.

24. Deny the allegations contained in paragraph “24” of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

25. As and for a response to paragraph “25” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs numbered “1” through “24” of this answer with the same force and effect as if fully set forth at length herein.

26. Deny the allegations contained in paragraph “26” of the complaint.

27. Deny the allegations contained in paragraph “27” of the complaint.

28. Deny the allegations contained in paragraph “28” of the complaint.

29. Deny the allegations contained in paragraph “29” of the complaint.

30. Deny the allegations contained in paragraph “30” of the complaint.

31. Deny the allegations contained in paragraph “31” of the complaint.

32. Deny the allegations contained in paragraph “32” of the complaint.

33. Deny the allegations contained in paragraph “33” of the complaint.

34. Deny the allegations contained in paragraph “34” of the complaint.

35. Deny the allegations contained in paragraph “35” of the complaint.

36. Deny the allegations contained in paragraph “36” of the complaint.

37. Deny the allegations contained in paragraph “37” of the complaint.

ANSWERING THE THIRD CAUSE OF ACTION

- 38. As and for a response to paragraph “38” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs numbered “1” through “37” of this answer with the same force and effect as if fully set forth at length herein.
- 39. Deny the allegations contained in paragraph “39” of the complaint.
- 40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “40” of the complaint.
- 41. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “41” of the complaint.
- 42. Deny the allegations contained in paragraph “42” of the complaint.
- 43. Deny truth of the allegations contained in paragraph “43” of the complaint.
- 44. Deny the allegations contained in paragraph “44” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:

- 45. The complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:

- 46. Punitive damages cannot be recovered from a municipality.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:

- 47. At all times relevant to the acts alleged in the complaint, answering defendants, their agents and officials, acted reasonably, properly, and in the lawful exercise of their discretion.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE TO THE ENTIRE
COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:**

48. The answering defendants are entitled to absolute immunity from liability.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE TO THE ENTIRE
COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:**

49. Defendants have not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof, nor have they violated any Act of Congress providing for the protection of civil rights.

**AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE TO THE ENTIRE
COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:**

50. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct, or the culpable or negligent conduct of third parties, and was not the proximate result of any act of the answering defendants.

**AS AND FOR AN SEVENTH AFFIRMATIVE DEFENSE TO THE ENTIRE
COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:**

51. Plaintiff's rights were not deprived pursuant to a policy, practice, custom or procedure of the Village of Spring Valley.

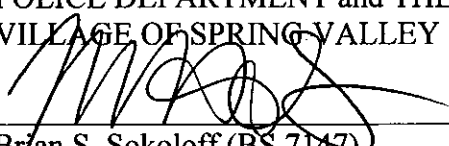
**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE TO THE ENTIRE
COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:**

52. Plaintiff failed to mitigate damages.

WHEREFORE, defendants, THE VILLAGE OF SPRING VALLEY POLICE DEPARTMENT and THE VILLAGE OF SPRING VALLEY, request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

DATED: Mineola, New York
July ____, 2008

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendants
THE VILLAGE OF SPRING VALLEY
POLICE DEPARTMENT and THE
VILLAGE OF SPRING VALLEY



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